IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRP.No. 1765 of 2003(D)

OP.2/2002 of PRL.M.C.,IRINJALAKUDA
.....

REVN. PETITIONER: PETITIONER

MYDHILI,
W/O.EZHUVAPPADY SIDHAN,
PORATHUR DESOM, ALAPPAD VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.V.BINOY RAM

RESPONDENTS: RESPONDENT

BHARGAVI,
W/O.MENOTHUPARAMBIL MADHAVAN,
ALOATH TEMPLE ROAD, MANAKODY P.O.,
THRISSUR TALUK, THRISSUR DIST.

BY ADV. SRI.K.A.SREEJITH

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 1765 OF 2003

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Dated this the 26th day of June, 2007.

O R D E R

This revision petition is preferred against the order of the Munsiff Court, Irinjalakuda in O.P.2/2002. The case of the petitioner is that as per a Will executed by her father she is liable to pay Rs.4,250/- to the respondent and on deposit she will be discharged of the liability under the Will. The properties were also made a charge for the liability. So, it was imperative on the part of the petitioner to produce the Will and prove it in accordance with law. Unfortunately, even the Will was not produced and therefore the Court rightly rejected the original petition. Now, it is submitted that it was on account of the circumstances beyond the control steps were not taken and Will was not produced.

2. Heard the other side as well. In the interest of justice I am inclined to grant an opportunity to the revision petitioner to produce the Will and prove it in accordance with law. Therefore, the order under challenge is set aside and the matter is remanded back to the Court below for fresh

disposal after affording an opportunity to the petitioner to produce the Will and prove it in accordance with law. Parties are directed to appear before the Court below on 26.07.07.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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